

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

NICHOLAS MARTIN on behalf of himself	)	
and others similarly situated,	)	
	)	
Plaintiff,	)	Case 1:10-cv-3494
	)	
v.	)	Judge Dow
	)	
CCH INCORPORATED,	)	Magistrate Judge Ashman
	)	
Defendant.	)	

**DEFENDANT’S MOTION FOR EXTENSION OF TIME TO RESPOND TO  
PLAINTIFF’S MOTION FOR LEAVE TO FILE SECOND AMENDED COMPLAINT**

NOW COMES Defendant CCH Incorporated (“CCH”), by and through its counsel, and brings this Motion for Extension of Time to Respond to Plaintiff’s Motion for Leave to File Second Amended Complaint, and in support thereof, states as follows:

1. Plaintiff alleges that CCH violated the Telephone Consumer Protection Act, 47 U.S.C. § 227 (“TCPA”), by calling Plaintiff’s cell phone using an automatic telephone dialing system or prerecorded or artificial voice message. (Am. Compl. ¶ 33.)
2. On September 30, 2011, Plaintiff filed a Motion for Leave to File a Second Amended Complaint (“Motion”). Dkt. 83. The proposed Second Amended Complaint expands the proposed class from a three-state class to a nationwide class. Dkt. 83-1 ¶ 45.
3. When the parties appeared for Plaintiff’s Motion, the Court granted CCH 14 days, until November 1, 2011, to file a brief responding to Plaintiff’s Motion. Dkt. 94.
4. Before filing a response in opposition to Plaintiff’s Motion, however, CCH would like the opportunity to present to Plaintiff a potential settlement framework.

5. Depending upon how discussions regarding the potential settlement framework proceed, it is possible that they will result in further refinements to the proposed class definition.

6. Accordingly, in the interests of judicial economy, CCH requests a 14-day extension of time, until November 15, 2011, to file a response in opposition to Plaintiff's Motion so that CCH has the opportunity to present its potential settlement framework to Plaintiff.

7. Counsel for CCH has conferred with Plaintiff's counsel regarding this motion, and Plaintiff's counsel has indicated that they do not oppose CCH's request for additional time.

WHEREFORE, CCH respectfully requests that this Court enter an order granting this motion and allowing CCH to have an additional 14 days to respond to Plaintiff's Motion for Leave to File the Second Amended Complaint, and awarding any further relief this Court deems just and proper.

Dated: November 1, 2011

Respectfully submitted,

CCH Incorporated

/s/ Sarah A. Zielinski

David L. Hartsell

Susan E. Groh

Sarah A. Zielinski

McGuireWoods LLP

77 West Wacker Dr., Suite 4100

Chicago, IL 60601-7567

Tel: (312) 849-8100

[dhartsell@mcguirewoods.com](mailto:dhartsell@mcguirewoods.com)

[sgroh@mcguirewoods.com](mailto:sgroh@mcguirewoods.com)

[szielinski@mcguirewoods.com](mailto:szielinski@mcguirewoods.com)

#### **CERTIFICATE OF SERVICE**

I, Sarah A. Zielinski, hereby certify that on this 1<sup>st</sup> day of November, 2011, I filed the foregoing document and exhibits electronically through the Court's ECF system. Notice of this filing will be sent to all registered users through the ECF system.

/s/ Sarah A. Zielinski